

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section*
3 *numbered 40.1-28.7:7, relating to a prohibition on employers' limiting employees' discussions of*
4 *wage information; civil penalty.*

5
6 Approved

[H 622]

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a**
9 **section numbered 40.1-28.7:7 as follows:**

10 **§ 40.1-28.7:7. *Limiting employees' sharing wage information with other persons prohibited; civil***
11 ***penalty.***

12 *A. No employer shall discharge from employment or take other retaliatory action against an*
13 *employee because the employee (i) inquired about or discussed with, or disclosed to, another employee*
14 *any information about either the employee's own wages or other compensation or about any other*
15 *employee's wages or other compensation or (ii) filed a complaint with the Department alleging a*
16 *violation of this section. However, the provisions of this section shall not apply to employees who have*
17 *access to the compensation information of other employees or applicants for employment as part of their*
18 *essential job functions who disclose the pay of other employees or applicants to individuals who do not*
19 *otherwise have access to compensation information, unless the disclosure is (a) in response to a formal*
20 *complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an*
21 *investigation conducted by the employer, or (c) consistent with a legal duty to furnish information.*

22 *B. Any employer that violates the provisions of this section shall be subject to a civil penalty not to*
23 *exceed \$100 for each violation. The Commissioner shall notify any employer who he alleges has*
24 *violated any provision of this section by certified mail. Such notice shall contain a description of the*
25 *alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request*
26 *an informal conference regarding such violation with the Commissioner. In determining the amount of*
27 *any penalty to be imposed, the Commissioner shall consider the size of the business of the employer*
28 *charged and the gravity of the violation. The decision of the Commissioner shall be final. Civil penalties*
29 *under this section shall be assessed by the Commissioner and paid to the Literary Fund. The*
30 *Commissioner shall prescribe procedures for the payment of proposed penalties that are not contested*
31 *by employers.*

32 *C. The Commissioner or his authorized representative shall have the right to petition a circuit court*
33 *for injunctive or such other relief as may be necessary for enforcement of this section.*

REENROLLED

HB622ER2